

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ASHLEY FARRINGER,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

4:12-CV-3103

MEMORANDUM AND ORDER

This matter is before the Court upon the plaintiff's Motion for Attorney Fees Under [42 U.S.C. § 406\(b\)](#) (filing [36](#)). The defendant has no objection to the awarding of fees in the amount of \$9,521.25, which represents 33.8 hours of work at \$281.69 per hour. *See* filings [36-6](#) and [36-7](#). The Court has rendered a judgment favorable to the plaintiff, as the Commissioner's decision was reversed and the case was remanded to the Commissioner for calculation and award of benefits. Therefore, the plaintiff is entitled to an award of attorney fees. *See* § 406(b)(1)(A).

The Court, having reviewed the record, finds that the fee is reasonable and does not exceed 25 percent of the total of the past-due benefits to which the plaintiff was entitled. *See id.* An attorney fee of \$9,521.25 will be awarded, to be paid by the plaintiff from past due benefits that were (or should have been) withheld by the defendant.¹ The plaintiff's counsel will be directed to refund to the plaintiff the amount of \$6,354 previously awarded pursuant to the Equal Access to Justice Act.

IT IS ORDERED:

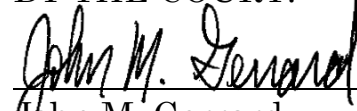
1. Plaintiff's Motion for Attorney Fees Under [42 U.S.C. § 406\(b\)](#) (filing [36](#)) is granted.
2. An attorney fee of \$9,521.25 shall be paid by the plaintiff from past due benefits.

¹ Because of errors made by the Social Security Administration, *see* filing [36-2](#), the end result is a balance due, from the plaintiff to her counsel, of \$1376.25.

3. The fee of \$6,354 previously awarded pursuant to the Equal Access to Justice Act shall be refunded by the plaintiff's counsel to the plaintiff.
4. A separate judgment will be entered.

Dated this 13th day of May, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge